

Before the
Federal Communications Commission
Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Petition for Waiver of |) | |
| Schools and Libraries Invoicing Deadline |) | |
| |) | |
| Waterville School District |) | CC Docket No. 02-6 |
| (BEN 145404) |) | |
| |) | |
| Schools and Libraries Universal Service |) | |
| Support Mechanism |) | |

**Petition for Waiver of
Deadline for Submitting FCC Form 472 Billed Entity Applicant Reimbursement (BEAR) Form**

I. INTRODUCTION AND SUMMARY

The Waterville School District serves a very small, rural community in Central Washington. The district serves 274 K-12 students, with over 60% of those qualifying for the National School Lunch Program (NSLP). We are a very small, rural district, and are dependent on the funding that we receive from the E-rate program each year.

On October 31, 2017, we became aware of the fact that we had missed the deadline to request the one-time Invoice Deadline Extension from USAC. While the FCC has generously granted that USAC will provide a single, 120-day extension to the Invoice Deadline, the rules state that extension request must be submitted prior to the initial Invoice Deadline. In our case, that deadline was October 30, 2017 (120 days after the last date to receive services, adjusted to the following business day, as the initial deadline fell on Saturday, October 28).

We are fully aware of the importance of program rules and deadlines, and continually strive to meet them all. In this isolated incident, we missed the deadline by one day, and ask the Commission to provide relief through a limited waiver of the Invoice Deadline.

We point to the Alaska Gateway Order (DA 06-1871, September 14, 2016), in the hopes that the FCC will grant the same relief for this isolated incidence of missing the Invoice Deadline as they provided to those who missed the Form 486 Deadline prior to the release of that Order.

As the Commission stated in the *Bishop Perry Order* “A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.”¹ This was reiterated in the Alaska Gateway Order, along with the observation that “the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts.”² This describes our district perfectly.

We do our absolute best to try to navigate the e-rate program without having to engage a professional e-rate consultant, and pay a portion of these much-needed funds to them. As a result, we do not have a dedicated e-rate expert on our team. We try to manage this complex program ourselves, to protect the district’s very small budget. We believe that it is in the public interest to provide a one-time waiver of the Invoicing Deadline so that we can submit our BEAR form and receive the \$8,743.20 that we so desperately need. Our community needs this funding for which we’ve worked so hard. We believe that denying our reimbursement, due to missing a deadline by one day, is not in the public interest. We also don’t believe that this limited waiver would negatively impact the Program or the Fund, as the funds have already been committed through the Funding Commitment Decision Letter.

In the weeks leading up to the Deadline, we were working with USAC PIA on our Fund Year 2017 application, which was being held due to supposed lack of category 2 budget. We submitted Forms 500 on three separate occasions, attempting to return the previously-committed, but unspent, funds to USAC so that our budget would accurately reflect the true amounts remaining. Even after engaging the PIA manager, and receiving verbal commitments that the third Form 500 was going to be processed correctly, we received a denial of funding just days later. We were so busy focusing on the PIA requests and subsequent appeal to USAC for Fund Year 2017 that it seems the deadline for Fund Year 2016 passed by.

II. Request

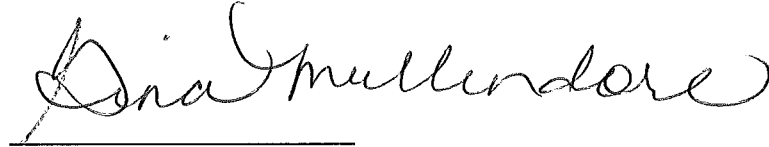
The Waterville School District respectfully petitions the Commission for a waiver of the Funding Year 2016 Invoice Deadline to allow the submission of their E-Rate Funding Year 2016 FCC Form 472.

¹ *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316, para. 9 (rel. May 19, 2006) (*Bishop Perry Middle School*).

² *Request for Review and Waiver of the Universal Service Administrator by Alaska Gateway School District Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, et al., CC Docket No. 02-6, Order, para. 5 (rel. September 14, 2006)

We believe that this remedy is not inconsistent with the sentiments put forth in both the *Bishop Perry Order* and the *Alaska Gateway Order*, and would hope that the Commission would consider expanding their wise direction to USAC to "develop targeted outreach procedures designed to better inform applicants of approaching FCC Form 486 filing deadlines and to provide applicants with a 15-day opportunity to file or amend the form"³ to cover FCC Forms 472 as well.

Respectfully submitted,

A handwritten signature in black ink, reading "Gina Mullendore". The signature is fluid and cursive, with the first name "Gina" and last name "Mullendore" clearly legible. A horizontal line is drawn below the signature.

Gina Mullendore,
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Dated: November 1, 2017

³ *Request for Review and Waiver of the Universal Service Administrator by Alaska Gateway School District Tok, AK, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6, Order, para. 1 (rel. September 14, 2006)